

## United States Senate

March 13, 2020

The Honorable Alex Azar  
Secretary  
U.S. Department of Health and Human  
Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

The Honorable Seema Verma  
Administrator  
Centers for Medicare and Medicaid Services  
7500 Security Boulevard  
Baltimore, MD 21244

Dear Secretary Azar and Administrator Verma,

I write to request immediate consideration of 1135 Waiver requests as well as a process in place for a single state or group of providers to apply for a temporary exemption from certain Medicare requirements necessary to scale up to capacity in our rural areas to treat and combat the novel coronavirus (COVID-19) outbreak. On March 13, 2020, President Trump declared a national emergency under the Stafford Act. On January 31, 2020, Secretary Alex Azar declared a public health emergency under the Public Health Service Act.

Now that both of those emergency declarations have been made, the Secretary of the Department of Health and Human Services has authority to grant 1135 Waiver requests to temporarily waive certain Medicare, Medicaid, and Children's Health Insurance Program requirements. As COVID-19 continues to spread and threaten our health care system capacity, it is critical these emergency waiver authorities be invoked as quickly as possible. On March 10, 2020, Colorado Governor Jared Polis declared a state of emergency and there is confirmed community spread in certain areas of Colorado. The outbreak as it currently stands in Colorado poses additional threat in areas where there is limited provider capacity, particularly the high country. To assist with that response both now and as the outbreak continues, I ask urgent consideration of relief from the below:

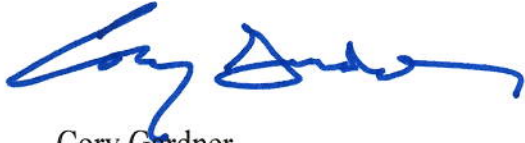
- the Critical Access Hospital (CAH) 25 inpatient bed rule,
- the CAH 96-hour rule,
- and the Skilled Nursing Facility 3-day rule.

These current barriers serve as dangerous limitations for our vulnerable rural healthcare providers.

Additionally, during this time of global pandemic, it is important that there are convenient waiver application pathways that do not detract from our rural providers' focus on preparedness and response. Please establish a process that will allow rural providers to work together to make these waiver requests quickly and efficiently without undue burden that would detract from their ability to focus on their community's health while also continuing to prioritize patient safety.

Thank you for your consideration and I request a response as quickly as possible due to the urgent matter of this situation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cory Gardner", with a stylized, flowing script.

Cory Gardner  
United States Senator